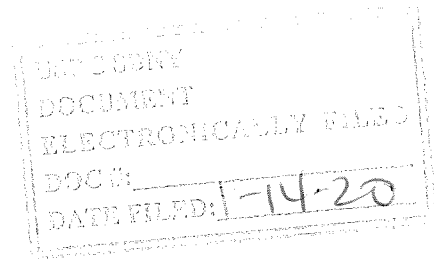


MEMORANDUM ENDORSEMENT

Santos v. Cuomo et al.,
19 CV 5398 (VB)



The Court has received from plaintiff, who is proceeding pro se and in forma pauperis, the attached motion, dated January 3, 2020, requesting appointment of pro bono counsel (Doc. #27). This is plaintiff's second request for appointment of pro bono counsel. (See Doc. #24). In the instant motion, plaintiff states: "Give me a lawyer I'm not understanding none of this it's my due process right by law." (Doc. #27).

On December 26, 2019, the Court denied without prejudice plaintiff's first motion for appointment of pro bono counsel. (Doc. #26). Having considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present his case, the Court did not find any exceptional circumstances warranting appointment of counsel at that time. (*Id.*).

Again, the Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. At this time, and again, the Court does not find any exceptional circumstances in plaintiff's case that would warrant the appointment of counsel. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). Plaintiff's instant motion gives no indication of any changes since December 26, 2019, which now warrant appointment of counsel. Indeed, plaintiff's recent submission (Doc. #28) opposing the pending motion to dismiss demonstrates plaintiff's ability to participate in and present his case.

Moreover, as regards plaintiff's belief in a due process right to counsel, it is settled that "[a] party in a civil case has no constitutionally guaranteed right to the assistance of counsel." Berrios v. N.Y. City Housing Auth., 564 F.3d 130, 134 (2d Cir. 2009) (emphasis added).

Accordingly, plaintiff's instant request for appointment of pro bono counsel is DENIED WITHOUT PREJUDICE.

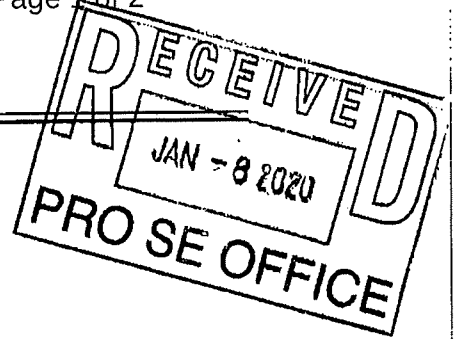
The Clerk is directed to terminate plaintiff's motion. (Doc. #27).

The Clerk is further directed to mail a copy of this Order to plaintiff at the address on the docket.

Dated: January 14, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BYRON SANTOS

Write the full name of each plaintiff or petitioner.

Case No. 19 CV-5398 (VLB)

-against-

GOVERNOR ANDREW CUOMO

Write the full name of each defendant or respondent.

NOTICE OF MOTION

PHYSICAL INJURY

ROBINSON V PAGE 170 F.3d 747, 749
6TH CIR

PLEASE TAKE NOTICE that

BYRON SANTOS
plaintiff or defendant

BYRON SANTOS
name of party who is making the motion

requests that the Court:

GIVE ME A LAWYER IM NOT UNDERSTANDING NONE OF THIS I MY DUE PROCESS RIGHTS BY LAW
Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
- ☒ my own declaration, affirmation, or affidavit
- ☐ the following additional documents:

1/3/20
Dated

Byron Santos
Name

Auburn Correctional Facility, P.O. Box 618, Auburn, NY 13021
Address City State Zip Code

Byron Santos
Signature

17A4130
Prison Identification # (if incarcerated)

Telephone Number (if available)

E-mail Address (if available)

CORRECTIONAL FACILITY

618

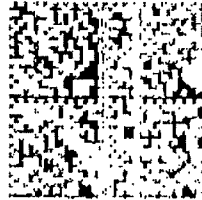
NEW YORK 13024

Yvon Santos DIN: 17A1130

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AUBURN CORRECTIONAL FACILITY



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Southern District of New York
The Daniel Patrick Moynihan United States Courthouse
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New York, NY 10007

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